

ROBESON COUNTY
JUDICIAL 16B
DISTRICT COURT
LOCAL RULES

EFFECTIVE: January 1, 2023

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ROBESON COUNTY JUDICIAL DISTRICT 16B **DISTRICT COURT LOCAL RULES**

These Rules and all amendments hereafter shall be filed with the Clerk of Superior Court in Robeson County in the 16B Judicial District and the Administrative Office of the Courts. These Rules may be cited accordingly as 16B Judicial District Court Local Rules 16B (16BLCR).

The District Court Administration Staff shall distribute a copy of these Rules and any subsequent amendments to each member of the Bar of the 16B Judicial District. The Civil Court Coordinator will maintain a supply of Rules and associated forms to be furnished to attorneys and the public upon request.

CRIMINAL DISTRICT COURT

RULE 1. FIRST APPEARANCES

1.1 In-Custody First Appearances.

The first appearance for in-custody defendants charged with criminal offenses shall be scheduled in accordance with Subchapter VI of Chapter 15A of the North Carolina General Statutes.

The presiding judge shall:

- A) Advise the defendant of the charges against them;
- B) Advise the defendant of their right to counsel and determine the defendant's eligibility for court-appointed counsel;
- C) Determine that the defendant or counsel has been furnished a copy of the process or order;
- D) Determine or review the defendant's eligibility for release under state law and the local bail policy;
- E) Comply with the law which now provides that a district court judge presiding over a first appearance must determine the sufficiency of charges not only for criminal offenses within the original jurisdiction of the superior court but also for charged misdemeanor offenses within the original jurisdiction of the district court G.S. 15A-604 (2022).

1.2 Out-of-Custody First Appearance.

The first appearance for out-of-custody defendants charged with a criminal offense shall be scheduled within 30 days of the issuance of the criminal process.

The judicial official shall:

- A) Advise the defendant of the charge against them;
- B) Determine the defendant's eligibility for court-appointed counsel;
- C) Determine that the defendant or counsel has been furnished a copy of the process or order.

1.3 Probable Cause Hearings.

A district judge conducting a first appearance must schedule a probable cause hearing unless the defendant waives in writing his or her right to such hearing. G.S J 5A-606(a)

1.4 Misdemeanor First Appearances.

The presiding District Court Judge shall conduct first appearances for defendants who are in pre-trial custody for one or more misdemeanor charges that are unrelated to a felony charge:

- A)** Defendants in pre-trial custody for one or more misdemeanor charges that are unrelated to a felony charge shall be taken before a District Court Judge on the next business day after arrest.
- B)** The presiding judge shall consider appointing counsel, review conditions of release, and review the scheduled court date to determine if scheduling an earlier court date is appropriate.

1.5 Domestic Violence First Appearances.

The presiding District Court Judge shall complete the form titled **Conditions of Release for Person Charged with A Crime of Domestic Violence**, AOC-CR-630, as well as the Conditions of Release and Release Order, AOC-CR-200, for any first appearance of a charge involving domestic violence.

If the presiding District Court Judge finds that the defendant is charged with assault on, stalking, communicating a threat to, or committing a felony provided in former Article 7A or Articles 7B, 8, 10, or 15 of Chapter 14 of the General Statutes upon a spouse or former spouse, a person with whom the defendant lives or has lived as if married, or a person with whom the defendant is or has been in a dating relationship as defined in G.S. 50B-1(b)(6), with domestic criminal trespass, or with violation of an order entered pursuant to Chapter 50B, Domestic Violence, of the General Statutes, then AOC-CR-630 shall be used.

Magistrates who must set conditions of release pursuant to NCGS 15A-534.1(b) shall also use Conditions of Release for Person Charged with A Crime of Domestic Violence, AOC-CR-630, in addition to Conditions of Release and Release Order, AOC-CR-200.

RULE 2. MOTIONS FOR CONTINUANCE-CRIMINAL CASES

Criminal cases should be disposed of at the earliest opportunity, including the first trial setting; however, when compelling reasons for continuance are presented which would affect the fundamental fairness of the trial process, a continuance may be granted for good cause, or other grounds provided by law. Requests for continuances not addressed below that are made after 180 days from the first calendaring before a judge shall be granted only for extraordinary cause.

2.1 Appropriate Court Official.

Rulings on any request for continuance made on the day of court for the session in which the case is calendared shall be the responsibility of the presiding trial judge of that court, subject to the delegations of authority specifically authorized in these rules.

- A) Before any motion to continue is granted, the appropriate court official shall determine whether the matter is one in which a written record concerning counsel needs to be made. If required, the appropriate court officials shall take such action as is necessary to resolve the issue of counsel and ensure that the record affirmatively reflects that either counsel has entered an unlimited appearance for the District Courts, court-appointed counsel has been waived, or application for court-appointed counsel has been made.
- B) The District Attorney may develop a listing of minor traffic offenses and infractions which he agrees may be initially continued by the Clerk of Superior Court, or his designees. This specifically does NOT include Impaired Driving offenses or other matters in which a written record concerning counsel is required.
- C) For motions made **within** 180 days of the first setting and which are made on or before the day the case is calendared for trial, the Assistant District Attorney regularly assigned to the courtroom where the case is to be tried is the appropriate court official to whom the motion should be addressed, and the Assistant District Attorney is authorized to allow the motion for good cause satisfactory to the Assistant District Attorney without further intervention by the trial judge.
- D) For all motions made **after** 180 days from the first calendaring, the judge presiding in the courtroom to which the case has been assigned is the appropriate court official to whom the motion should be addressed.
- E) Requests for continuances in misdemeanor cases more than 180 days from the first calendaring of the case and made **prior** to the day of court on which the case is calendared, shall be made to the judge assigned to preside at that term of court, if available. If said trial judge is not available or is not known at the time the request is made, the motion for continuance shall be made to the Chief District Court Judge or her designees.
- F) For any contested motion or for any motion to which the clerk or district attorney cannot consent as authorized herein above, the motion must be directed to and heard by the presiding judge or the Chief District Court Judge if no judge is presiding at the time the motion needs to be heard. There shall be no ex parte approaches to any judge for a continuance without written authorization by the opposing party.
- G) **Felony cases that are pending in District Court must be disposed of by plea to a lesser charge, indictment, probable cause hearing and transfer, dismissal, deferred prosecution, or by any other appropriate means within 180 days of the defendant's first appearance. Felony cases pending in District Court exceeding this time frame shall not be continued further without a finding of extraordinary cause by the presiding judge.**

2.2 Court Conflicts.

The various levels of court should work together to move cases as expeditiously as possible. Age of case, subject matter, and priority of setting should be given as much primacy as the level of court when resolving conflicts. Attorneys shall notify the court and opposing counsel of any other court conflict(s) as they become known and shall keep the court advised of the resolution of that conflict. All judges shall communicate with other judges to resolve such conflicts. In resolving court conflicts among the district courts, juvenile cases **shall** take precedence over all other matters in all other district courts unless otherwise agreed among the presiding judges.

2.3 Documentation of Continuance.

All orders for continuance shall be documented in or on the file, and shall include the name of the moving party, and when appropriate, the basis for the continuance. If the motion is heard by a judge, the judge may direct the entry of the appropriate notations and findings made by any officer of the court on the court file. For continuances permissible under these rules which do not require the intervention of the judge, it shall be the responsibility of the prosecutor to document by appropriate notations and understandable symbols the identity of the moving party and any objections to the continuance if not consented to on the court file.

- A) When the reason for or conditions of a continuance is that the defendant is to plead guilty, or the file is marked "last continuance," the Assistant District Attorney shall so note on the outside of the file and in a prominent manner. In such cases, the attorney representing the defendant, or the defendant shall, on the new trial date, and prior to any trial or motion in the case, bring this to the attention of the Assistant District Attorney, as well as the presiding judge.

2.4 Notification of Opposing Counsel/Unrepresented Parties/Witnesses.

All requests for continuance shall be made as soon as a conflict is identified, and all impacted—opposing counsel, unrepresented parties, subpoenaed witnesses, or court staff charged with subpoenaing witness—shall be notified as soon as possible.

2.5 Objections to Motion for Continuance.

All parties should have an opportunity to be heard on a motion to continue.

2.6 Evaluations of Motions for Continuance.

Factors to be considered by the appropriate official when deciding whether to grant or deny a motion for continuance should include:

- A) the opportunity to exercise the right to effective assistance of counsel;
- B) the age of the case and seriousness of the charge;
- C) the incarceration status of the defendant;
- D) the effect on children and spouses if the issue is continued and not resolved;
- E) the impact of the continuance on the safety of the parties or any other persons;
- F) the status of the trial calendar for the session;
- G) the number and grounds for previous continuances;
- H) the due diligence of counsel in promptly making a motion for continuance as soon as practicable and notifying opposing counsel and witnesses;
- I) the period of delay caused by the continuance requested;
- J) the presence of witnesses and availability of witnesses for future sessions;
- K) whether the basis of the motion is the existence of a legitimate conflict with another court setting;
- L) for whom previous continuance(s) were granted;
- M) the availability of counsel;
- N) consideration of the financial consequences to the public, the parties and witnesses if the case is continued; and
- O) any other factor that promotes the fair administration of justice.

2.7 Case Rescheduling.

Upon granting a motion for continuance, the judge shall reschedule the case, taking into consideration the availability of counsel, defendant(s), witnesses, courtroom space, and other necessary resources.

2.8 Time Standards.

Absent a finding of extraordinary circumstances, all non-felony criminal, motor vehicle and other infraction cases should be disposed of within 180 days from the first appearance in District Court. Felony cases should be resolved or transferred from District Court within 180 days from the first appearance in District Court.

CIVIL DISTRICT COURT

RULE 3. GENERAL

3.1 Purpose.

The purpose of these Rules is to provide a framework for the fair, just, and timely resolution of legal problems affecting families and children in this district, whether court intervention is initiated by a family member or a governmental agency. These Rules are to complement the North Carolina Rules of Civil Procedure, North Carolina Rules of Evidence, and General Rules of Practice for Superior and District Courts.

3.2 Party without an attorney must comply.

Parties and attorneys shall comply with these Rules. Although a party is not required to have an attorney, any party who is not represented by an attorney must comply with these rules.

3.3 Application.

It is recognized that these Rules are not complete in every detail and will not cover every situation that may arise. If these Rules fail to address a specific matter, they should be construed in such a manner as to avoid technical or unnecessary delay and to promote the ends of justice. The District Court Administration Staff is authorized to act in their discretion subject to consultation with the presiding judge or the Chief District Court Judge in applying these rules.

3.4 Forms.

Except where specifically required herein, where local forms are required by these Rules, counsel or *pro se* parties may use either the forms provided or a form of their own which substantially corresponds to the specified court form.

RULE 4. FILINGS IN CIVIL COURT-DOMESTIC

4.1 Filing.

An original and one copy of a completed AOC Cover Sheet shall accompany the filing with the Clerk of Superior Court of any complaint, motion, answer, response, etc., pursuant to Rule 5 of the General Rules of Practice, except for the following cases: involuntary commitments,

domestic violence, IV-D, U.R.E.S.A, U.I.F.S.A., and Clerk's automatic child support enforcement cases. The Clerk of Superior Court shall provide a case number at the time of an initial filing and place the number upon the summons. All subsequent pleadings and papers filed with the Clerk and all subsequent communications to opposing counsel or parties or court personnel shall contain the proper case number.

4.2 Scheduling by the Civil Court Coordinator.

All motions and hearings shall be scheduled by the Civil Court Coordinator unless otherwise stated in these rules. No court date shall be set until a pleading is filed.

RULE 5. GENERAL RULES FOR SCHEDULING CASES

5.1 Case Tracking.

The Civil Court Coordinator shall establish and maintain a case tracking system pursuant to Rule 2(c), General Rules of Practice for Superior and District Courts, and in accordance with these Rules as approved by the Chief District Court Judge. The District Court Administration Staff shall schedule domestic and civil cases for court events as may be necessary and appropriate based on the issues raised in the pleadings. Priority will be given to matters that the parties or counsel represent are ready to be heard. The Court Administration Staff shall inform the parties or their attorneys of scheduled events.

5.2 Status or Pretrial Conferences Required.

Attorneys and unrepresented parties shall schedule a pretrial conference by contacting the Civil Court Coordinator for civil cases not otherwise exempted herein for appropriate status or pretrial conferences. **Pretrial conferences may be waived by the consent of all parties or at the discretion of the Chief District Court Judge. Additionally, a pretrial conference shall not be required when a Pretrial Order has been submitted and consented to by both parties.** The pretrial conference may be formal or informal, recorded or off the record, and in such detail as the court determines to be appropriate considering the amount in controversy, nature of the case, complexity of the issues, and need for pretrial resolution of contested questions.

A) Participation in and Purpose of Pretrial Conferences. Attendance at a scheduled

Pretrial Conference is mandatory for the attorneys of record and all unrepresented parties. The purpose of a pretrial conference is, as follows:

- a. to assist the attorneys, or parties, for trial preparation by narrowing the issues for trial or disposition of the case
- b. to set deadlines for the completion of discovery
- c. to determine the need for reference
- d. to seriously explore the prospects of settlement of the case
- e. to finalize proposed witness lists
- f. to determine what facts can be stipulated and agreed upon for a final pretrial order
- g. to address any requests for additional discovery
- h. to set a date for trial for the matter or such additional pretrial conferences as are necessary.

- B)** The presiding Judge will order a final pretrial order to be completed and submitted by a certain date. Failure of the moving party to complete the order or failure of the opposing party to cooperate with providing the appropriate information/documents to complete the order may result in the imposition of sanctions.
- C) Sanctions for Failure to Participate in Status or Pretrial Conferences.** Failure to schedule a pretrial conference in accordance with these rules or to attend status or pretrial conferences is a serious breach of the local rules. Such failure may result in a dismissal of the responsible party's claim, limitation or exclusion of the responsible party's proffered testimony (either written or oral), or the imposition of other sanctions as provided by Rule 37 of the North Carolina Rules of Civil Procedure.

The following matters do not require status or pretrial conferences unless ordered by the Court in an individual case: uncontested divorces, hearings to show cause, hearings for temporary or emergency relief, attorney fees, domestic violence, U.I.F.S.A., IV-D, child support enforcement, or any matters that the Defendant(s) have failed to make an appearance either in person or by pleadings.

Parties shall use the local form titled **Pretrial Conference Requests (Form PRE-T) to schedule a pre-trial conference.**

5.3 Calendar Requests.

An attorney of record or *pro se* party may request that a case be placed on a NJ-ADM session (administrative session) by completing an appropriately marked calendar request and delivering a copy to the Civil Court Coordinator or Court Assistant. The calendar request will then be filed in the Clerk of Superior Court's Office by the Civil Court Coordinator.

An attorney of record or *pro se* party may request that a case be placed on a NJ-C (trial calendar) by first checking the availability of open trial sessions either on the Civil Trial Calendar Google Document found here <https://calendar.google.com/calendar>, or with the Civil Court Coordinator. Once availability has been determined, a calendar request must be completed by the Civil Court Coordinator in order to **reserve the trial date**.

A filed copy of all calendar requests will be placed in the attorney's box located in the courthouse, or to parties via email, facsimile, the U.S. Postal Service, or by other appropriate means as is necessary. Unless the matter is calendared by Civil Court Coordinator independently, proper notice and service remain the responsibility of the parties.

A) Calendaring and Timing.

- a. **Calendaring for LTON NJ-ADM.** Calendaring for LTON NJ-ADM requests for LTON NJ-ADM (administrative session) must be provided to the Civil Court Coordinator or Court Assistant at least **14 days** prior to the session of court.
- b. **Calendaring for LTON NJ-C.** Calendar requests for LTON NJ-C (trial sessions) must be filed at least **28 days** prior to the requested LTON NJ-C session.

- i. Requests provided after the time limits have passed will be considered for calendaring based on a showing of good cause, approval by the presiding judge, or by the Chief District Court Judge.
- c. **Calendaring for Civil Motions.** Cases may be placed on the **LTON (CIVIL-MOTIONS)** calendar by two means:
 - i. During LTON NJ -ADM (administrative session) calendar call, any motion or temporary hearing that is scheduled during that LTON NJ-ADM (administrative session) session where the hearing will **exceed 1 hour** shall be scheduled for a **LTON (CIVIL MOTIONS) session during the same week of the LTON (NJ-ADM) calendar in which the case is currently set.**
 - ii. Parties may also place cases on the **LTON (CIVIL-MOTIONS) calendar by filing an appropriately marked calendar request with the Civil Court Coordinator when they know their hearing will exceed the 1 hour limitation.**
 - iii. The presiding judge may schedule other matters appearing before them in a LTON NJ-ADM (administrative session) or the LTON (CIVIL-MOTIONS) session in their discretion.
 - iv. Motions must be filed in a manner sufficient to give opposing counsel notice as required by the Rules of Civil Procedure.

B) Temporary Hearings.

- a. Temporary hearings shall include hearings of request for temporary custody or visitation, or for modification of a custody order, temporary child support, post-separation support, and interim partial distributions pursuant to NCGS §50- 20(i1).
 - i. Parties and their attorneys, if any, shall be present at the hearing.
 - ii. **Temporary hearings shall be limited to one hour and a half.** Each party shall be allocated one half of that time [forty-five (45) minutes] to be used for cross-examination of the opposing party and opening and closing statements. The time it takes for the Judge to review any affidavits, in the Court's discretion, counts toward the parties' time. Examination of the child in a temporary custody hearing is in the discretion of the presiding judge, and the time involved, in the Court's discretion, will come out of the party's respective times.
 - iii. Any motion projected to take **more than 2 hours requires a trial setting or may be placed on the stand-by trial calendar of the next trial session.**

C) Conflicts

- a. Conflicts between attorneys as to an appropriate trial date shall be resolved by the Civil Court Coordinator or the Chief District Court Judge.

- b. Cases **shall not** be placed on a NJ-ADM (administrative session) solely for the purpose of obtaining a NJ-C trial date unless deemed necessary by the Civil Court Coordinator.

5.4 Calendaring of Temporary Restraining Orders and Emergency Orders.

Civil Non-Domestic Restraining Orders: Application for all non-domestic Temporary Restraining Orders and Orders to Show Cause **should** be made only to a District Court Judge who will be available to hear the return. Prior to applying to a judge for an ex-parte Non-Domestic Temporary Restraining Order, counsel should confer with the Civil Court Coordinator to determine the availability of that judge to whom the application is made and should make an effort to apply only to a judge who will be conveniently able to hear the return of the matter within the time set by law. Any non-domestic civil order **should** be returnable only to the judge issuing the order unless the judge has obtained the consent of another judge to hear the matter or scheduling prohibits the return to the same judge.

A) Calendaring of Return: Return of these orders shall be scheduled in accordance with the timing of the statute to a **LTON (CIVIL-MOTIONS)** setting by providing a calendar request to the Clerk of Superior Court. The Clerk of Superior Court shall calendar and publish the return hearing for a **LTON (CIVIL-MOTIONS) setting. Returns on emergency orders and temporary restraining orders shall no longer be heard in sessions of LTON (DV) court.**

B) Domestic Civil Emergency Orders and Ex-Parte Applications: All applications for domestic civil emergency or ex-parte orders, other than 50B domestic violence actions using AOC forms, shall be made in accordance with the policy set forth in subsection (A) above, or may be issued by the Chief District Court Judge. The Clerk of Superior Court shall calendar and publish the return hearing for a **LTON (CIVIL-MOTIONS) setting. Returns on emergency orders and temporary restraining orders shall no longer be heard in sessions of LTON(DVH) court.**

5.5 Publishing of Civil Administrative, Motions, and Civil Trial Calendars.

The Civil Trial Court Coordinator shall be responsible for generating and publishing matters to be heard on the Civil Administrative, Civil Motions, and Civil Trial calendars in accordance with these rules with the following exception:

A) Returns on temporary non-domestic restraining orders, ex-parte, or emergency orders shall be calendared by the Clerk of Superior Court within 10 days of entry of the order to the next LTON (CIVIL-MOTIONS) session as described in 5.4 A(a) above.

5.6 Continuous Calendaring.

A) Any case on a calendar not reached or addressed during a NJ-ADM (administrative session) shall be continued to a specific term. Cases shall not be “removed from the calendar” during an NJ-ADM session except in the following circumstances:

- a. Settlement of the case and/or final resolution of all calendared issues (including voluntary dismissal), with documentation provided to the court.
- b. Filed written withdrawal of the motion by the moving party.

- c. Good cause as determined by the presiding judge after a finding of extraordinary circumstances.
- B) Any case that is continued during an open session of NJ-ADM shall automatically be calendared to the agreed date; no calendar request shall be required.**

5.7 Jury Trials.

- A) Jury Trials.** When a complaint or other pleading is filed in which a trial by jury is requested, the phrase "Jury Trial Demanded" (or equivalent language) shall be endorsed on the face of the pleadings.
- B) Pre-Trial Orders in Jury Cases Required.** NO JURY CASE WILL BE CALLED FOR TRIAL UNLESS A PRE-TRIAL ORDER IS SIGNED BY A JUDGE OR SIGNED BY ALL ATTORNEYS AND PARTIES. Such order shall contain all stipulations, as well as the proposed issues for the jury, and shall be substantially the same as the form in Rule 22 of the General Rules of Practice.
- C) Calendar Requests.** An attorney of record may request that the case be placed upon the trial calendar by making said request in writing to the designated personnel in the District Court Judges' Office and delivering a copy to the opposing counsel or parties of record. For a jury trial, the said request must be made no later than six (6) weeks before the scheduled session.
- D) Continuous Calendaring.** Any case on a calendar and not reached shall be continued to a specific term.
- E) Pretrial Conference in Jury Cases Required.** If a jury trial has been requested, the designated personnel in the District Court Judges' Office shall schedule the matter for a Pretrial Conference to determine the issues for the jury and to set a trial date.

RULE 6. STATUS AND CLEAN-UP CALENDARS

6.1 Status Checks for Civil Cases.

- A) Aged Cases.** The Civil Court Coordinator shall regularly review the status of general civil cases pending in District Court. If more than one hundred eighty (180) days have elapsed since the filing of the Complaint and the case is not currently on a calendar for trial of all pending claims, the Civil Court Coordinator may schedule all pending claims for trial on the next available court calendar.

6.2 Cases Set by the Court for Status Review.

In cases in which service has not been perfected on all defendants and one hundred sixty (160) days after the filing of the Complaint has expired without the automated civil case processing system ("VCAP") automatically closing the case, the Civil Court Coordinator shall calendar the case on the next available status review date. The Civil Court Coordinator shall file and serve a Notice of Hearing on all parties in cases that have been scheduled for status review.

- A) First Status Review Hearing.** At the first status review hearing, the Court will inquire of the plaintiff as to why service has not been completed. If the plaintiff has not made diligent efforts to locate and serve all defendants, the Court may, on its own motion,

dismiss the Complaint without prejudice as to the unserved defendants for failure to prosecute the action. If the plaintiff has made diligent efforts to locate and serve all defendants, the Court will continue the status review hearing to the next available status review date to give Plaintiff sufficient time to complete service by some other means (such as publication).

- B) **Subsequent Status Review Hearing.** At any subsequent status review hearing, if the plaintiff has not made diligent efforts to serve all defendants, the Court may, on its own motion, dismiss the Complaint as to the unserved defendants without prejudice for failure to prosecute the action. In lieu of dismissing the Complaint, if there is no active alias and pluries summons for any unserved defendant, the Court may enter an Order of Discontinuance as to the unserved defendant(s).

6.3 Status Review or Clean-up Calendars.

Nothing in these Rules prohibits the Civil Court Coordinator, in consultation with the Chief District Court Judge, from considering the need for a separate status review or clean-up calendar. Cases shall be placed on a status review or cleanup calendar if the Civil Court Coordinator or the Chief District Court Judge determines that such cases are a proper subject for inquiry concerning their status.

RULE 7. MOTIONS FOR CONTINUANCE: CIVIL – DOMESTIC & NON-DOMESTIC

7.1 General Continuance Rules.

To be considered timely made, a motion to continue a case which has been calendared must be filed in writing on the form AOC-CV-222, directed to the judge assigned to preside with a copy delivered to the Civil Court Coordinator; and must, absent good cause, **be filed by 9:00 a.m. within two days of the beginning of the session at which the case is set.** The Civil Court Coordinator will maintain an updated calendar and record thereon the status of cases, including special circumstances which will enable other parties to determine which cases have been continued or settled. The procedure for obtaining a continuance depends upon the age of the case as follows:

- A) **Cases Pending under 120 days:** Any matter which has been calendared with the consent of all parties may be continued by the consent of all parties if the case has been pending for 120 days or less, provided the consent to the continuance is in writing and delivered to the Civil Trial Court Coordinator by 9:00 a.m. within two days of the beginning of the session at which the case is set.
- B) **Cases Pending between 120 and 180 days:** Cases which have been pending more than 120 days, but less than 180 days may ordinarily be continued by consent; however, notice and an opportunity for the Civil Court Coordinator to object to the continuance shall be given by 9:00 a.m. within two days of the beginning of the session at which the case is set. If the Civil Court Coordinator objects, then a conference shall be scheduled with the trial judge and the court will enter such order as is appropriate.

C) Cases Pending more than six months: Cases which have been pending for more than 180 days and which have been set by the Civil Court Coordinator may not be continued without the consent of the Civil Court Coordinator unless ordered by a judge. Requests for continuances shall be submitted in writing, and the Civil Court Coordinator shall inform counsel promptly whether the request has been granted or denied. If any party objects to the action of the Civil Court Coordinator, a written request that the court review the action of the Civil Court Coordinator must be promptly delivered to the judge who is scheduled to preside over the term. The request for a review of the Civil Court Coordinator's action must state in detail the reason why the action should be modified.

RULE 8. MOTIONS FOR CONTINUANCE – DOMESTIC CASES

Domestic cases should be disposed at the earliest opportunity, including the first trial setting. However, when compelling reasons for continuance are presented which would affect the fundamental fairness of the trial process, a continuance may be granted for good cause according to the guidelines set out in Rule 7 and below. Requests for continuances that will delay the resolution of the contested issues beyond the established time standards shall be granted only for extraordinary cause.

8.1 Appropriate Court Official.

All applications for continuance shall be directed to the District Court Judge assigned to preside over the session of court for which the case is calendared with a copy delivered to the Civil Court Coordinator. If the trial judge is not known at the time the request is made or is unavailable, the application shall be made to the Chief District Court Judge and the Civil Court Coordinator.

8.2 Court Conflicts.

The various levels of court should work together to dispose of cases as expeditiously as possible consistent with the other goals of this order. Age of case, subject matter, priority of setting, fundamental fairness and common sense should be considered when resolving conflicts.

Attorneys shall notify the court and opposing counsel of any other court conflict(s) as those become known and shall keep the court advised of the resolution of all conflicts. All judges should communicate with other judges to resolve such conflicts and shall make a reasonable effort to do so when requested by the attorney for either the plaintiff or defendant. In resolving conflicts, juvenile cases shall take precedence over all other matters in district court with the exception of jury trials.

8.3 Documentation of Continuance.

All requests for continuance shall be by written motion; however, oral motions may be allowed when the reason for the continuance did not become known until immediately preceding the start of court. In cases in which a continuance motion is allowed the attorney for the moving party or the unrepresented party making the motion shall draft the order of continuance and present it to the court forthwith, unless otherwise directed by the court. Such order shall contain the case caption, file number, date of the order and the reasons for the continuance. It shall also indicate any objections to the motion which were made.

8.4 Notification of Opposing Counsel/ Unrepresented Parties/Witnesses.

All parties must be notified of a motion to continue. A copy of the motion to continue must be distributed to all counsel of record and/or unrepresented parties prior to ruling on the motion. In addition to the service requirements set out in the statute, distribution of the motion must be made by the quickest means feasible, including facsimile transmission, electronic mail, or hand delivery.

8.5 Objections to Motion for Continuance.

All parties should have an opportunity to be heard on a motion to continue. When a motion to continue is made more than seven (7) days prior to trial, opposing counsel and/or unrepresented parties shall have a period of four (4) working days, following completion of distribution, to communicate objections to the motion for continuance to the moving party and the presiding District Court Judge or their designee. Objections not raised in writing within this time are deemed waived. When a motion to continue is made within seven (7) days of the trial term (other than an oral motion as provided in Rule 8.3 above), the moving party shall include in the written motion a statement that the opposing counsel or party has been contacted and a short statement on the opposing party's position on the motion (including whether the opposing counsel or party consents or objects, and whether or not they desire to be heard on the motion). If the moving party is unable to contact the opposing counsel or unrepresented parties, the motion shall state what efforts were made and why contact was not possible.

8.6 Evaluation of Motions for Continuance.

Factors to be considered by the appropriate court official when deciding whether to grant or deny a motion for continuance should include:

- A) the effect on children and spouses if the issue is continued and not resolved;
- B) whether there is in effect a temporary order dealing with the issue that is the subject of the continuance request;
- C) the impact of a continuance on the safety of the parties or any other persons;
- D) whether the issue has been identified statutorily as an issue which should be addressed expeditiously, *e.g.*, child support, post-separation support, etc.;
- E) the age of the case or motion;
- F) the status of the trial calendar for the session;
- G) the number of and grounds for previous continuances;
- H) for whom previous continuances were granted;
- I) the extent to which counsel had input into the scheduling of the trial date;
- J) the due diligence of counsel in promptly making a motion for continuance as soon as practical;
- K) whether the reason for continuance is a short-lived event which would resolve prior to the scheduled trial date;
- L) whether the basis of the motion is the existence of a legitimate conflict with another court setting;
- M) the period of delay caused by the continuance requested;
- N) the position of opposing counsel or unrepresented parties;
- O) whether the parties themselves consent to the continuance;
- P) present or future inconvenience or unavailability of witnesses/parties;

- Q) consideration of the financial consequences to the public, the parties, the attorneys, and the witnesses if the case is continued; and
- R) any other factor that promotes the fair administration of justice.

8.7 Case Rescheduling.

Upon granting a motion for continuance, the judge in conjunction with the Civil Court Coordinator should reschedule the trial or pre-trial of the contested issues to a specific date after receiving scheduling input from all parties.

8.8 Time Standards.

All domestic cases should be disposed of within 18 months of filing, with 90% disposed of within six months. Issues of child support should be resolved, and a temporary or permanent order entered within 60 days of service. Post-disposition issues, such as contempt and motions to modify existing orders, should be resolved within 60 days of the filing of such actions. Equitable Distribution cases should be managed in such a way that, unless there are extenuating circumstances, ninety percent should be completed within 270 days of filing.

RULE 9. SETTLED CASES

9.1 Reporting Settled Cases.

When a case on a published calendar is settled, all attorneys of record or self-represented persons must notify the Civil Court Coordinator within twenty-four (24) hours of the settlement and advise who will prepare and present the Judgment (or other closing documents), and when. Attorneys and self-represented persons are to take all steps necessary to close settled cases and have an affirmative duty to file all necessary documents and do so within the term of court for which the case is calendared for trial, or hearing, or by a hearing date. If a case is not reported to the Civil Court Coordinator as settled **before 5:00 pm on the DAY before the case is scheduled for hearing**, then the parties must appear unless expressly excused by the presiding judge.

RULE 10. MAGISTRATE (SMALL CLAIMS) APPEALS

10.1 Cover Sheet and Notice Form Requirements.

The appellant in a small claims appeal to District Court for a trial *de novo* shall be responsible for completing and filing a Cover Sheet and a Calendar Request of a Small Claims Appeal **at the time notice of appeal is entered or perfected**.

10.2 Calendaring.

The appellant shall take the calendar request of the small claims appeal to the designated personnel in the District Court Judges' Office, who shall set the matter for the next available term for which a calendar is to be published for the trial of civil or domestic actions.

10.3 Notice and Service.

The appellant shall serve a copy of the filed calendar request upon all opposing parties, and this notice shall constitute sufficient notice of the calendaring of the matter for hearing.

10.4 Notice ofAppealed Cases.

The Clerk of Superior Court shall provide a list to the Civil Court Coordinator at the end of **each week** of all small claims cases that have been appealed to district court. This list shall include the parties' names, attorneys if applicable, and the file number.

10.5 Motions to Re-plead.

Following the entry of notice of appeal from the magistrate, the case will be tried upon the original pleadings unless otherwise ordered, and no further pleadings should be filed without leave of court. A motion to re-plead shall be entitled to an expedited hearing, and motions to re-plead shall be freely allowed. A motion to replead shall state concisely the issues which the moving party anticipates developing in the action. An order allowing re-pleading may also set a trial date and establish a requirement for a Pretrial Order.

RULE 11. PRO-SE PARTIES

Sessions of LTON (NJ-PRO SE) shall only be used for pro-se litigants. If an attorney is retained by a party who originally appeared in LTON (NJ-PRO SE), then the matter shall be heard during a LTON (CIVIL MOTIONS) or LTON (NJ-C) session. Any represented party, or party requiring representation, such as a corporation, are prohibited from having cases calendared in (NJ-PRO SE).

RULE 12. ARBITRATION

12.1 Mandatory Arbitration.

All cases filed in the district court which are subject to arbitration as defined by the Supreme Court Rules, or as designated by the Chief District Court Judge, shall be directed to mandatory court-ordered arbitration. Cases will be noticed into arbitration using form AOC-CV-800.

12.2 Screening.

All civil filings shall be automatically screened by the Clerk of Superior Court, and if subject to arbitration, such case files shall be appropriately identified as eligible for arbitration on VCAP.

12.3 Assignment of Arbitrator.

The arbitration coordinator shall notify the parties that an arbitrator shall be chosen by the arbitration coordinator.

12.4 Scheduling of Arbitration Hearing.

Within sixty days of the last responsive pleading or within sixty days after service and no answer has been filed an arbitration hearing shall be conducted in accordance with the Supreme Court rules. At least ten (10) days before the date set for the hearing, the parties shall exchange: (1) lists of witnesses they expect to testify; (2) copies of documents or exhibits they expect to offer into evidence; and (3) a brief statement of issues and their contentions. Form AOC-CV-801 will be used to notice hearing.

12.5 Continuances.

No case shall be continued beyond the sixty-day period except upon motion and order of the Chief District Court Judge. Any motions to continue must be made not less than ten days prior to the end of the sixty-day period, and no continuance shall be granted except upon a showing of good cause. Good cause shall not include “not ready or discovery not completed” since the purpose of this program is to resolve cases expeditiously without spending too much time or money on pretrial activity. No case shall be continued more than twenty days after the said sixty-day deadline. Rescheduling of a case within the sixty-day period may be granted by consent or by order of the arbitration coordinator.

12.6 Removal.

If prior to the setting of an arbitration hearing, all parties notify the arbitration coordinator that the case is inappropriate for arbitration, and the coordinator agrees, then the case may be removed. Once a case is set for arbitration hearing, no case may be removed from arbitration except by the arbitration coordinator or upon motion to Chief District Court Judge.

12.7 Conducting Arbitration Hearings.

All arbitration hearings shall be conducted within one hour and in accordance with Supreme Court rules. Arbitration will use AOC-CV-803 to complete the Award. If no request for trial *de novo* is made within thirty days, then a District Court Judge shall enter judgment in accordance with the arbitrator’s decision. In the event a party requests a trial *de novo*, the Arbitration coordinator will use the form AOC-CV-804, the first party making such request shall pay \$100 to perfect his request for trial *de novo*. That fee may be returned only if the case is tried to verdict and the trial judge finds requesting party’s position improved and orders the return of the \$100. If there is a trial *de novo*, the trial judge may include the costs incurred in the arbitration, but the trial judge may deny the costs to a party who prevails at trial but did not improve his position.

12.8 Attendance.

If any party fails to appear, the arbitrator may proceed to hear the evidence of the parties present and make an award. Any party failing to appear may make a motion for rehearing within thirty days of the award filing date to the Chief District Court Judge. However, no rehearing shall be granted except for reasons set forth in Rule 60 of the North Carolina Rules of Civil Procedure.

12.9 Motions.

Pending motions may be heard by a District Court Judge or deferred to the arbitrator, if appropriate; but pending motions shall not delay arbitration hearings unless the Chief District Court Judge so orders.

12.10 Arbitration Fees.

“In all cases referred to nonbinding arbitration as provided in this section, a fee of one hundred dollars (\$100) shall be assessed per arbitration, to be divided equally among the parties, to cover the cost of providing arbitrators. Fees assessed under this section shall be paid to the clerk of superior court in the county where the case was filed and remitted by the clerk to the State

Treasurer.” G.S. 7A-37.1. Do not collect the arbitration fee from a party who has been granted leave under G.S. 1-110 to sue as an indigent. The new statute does NOT affect the \$100.00 fee for filing a request for trial *de novo* after arbitration. The two fees are separate and independent of each other, and cumulative.

12.11 Waiver.

Parties may waive arbitration by filing a consent in writing with the Clerk of Superior Court and delivering a copy of the filed to consent to the Civil Court Coordinator.

RULE 13. SUBMITTING TIMELY ORDERS OR JUDGMENTS

13.1 Orders and Judgments.

All Orders must be filed within 30 days following the conclusion of a hearing. The presiding judge may allow additional time to file an Order following a hearing concerning equitable distribution, abuse and neglect, or termination of parental rights. The party preparing the proposed judgment or order shall provide a copy of the proposed document to the opposing party prior to submitting the document to the Judge. If the copy is provided by actual delivery or by fax, three (3) days prior is sufficient; however, if sent by mail, six (6) days prior shall be required.

13.2 Delinquent Orders and Judgments.

Cases delinquent in the submission of Orders as required shall be identified to the Chief District Court Judge or the assigned Judge and sanctions or penalties may be imposed in such cases as deemed appropriate and as allowed by law.

RULE 14. SANCTIONS

14.1 Sanctions.

Failure to comply with any section of these Rules shall subject the parties and/or their counsel to such sanctions as are allowed by law and deemed appropriate at the discretion of the presiding Judge, including but not limited to: dismissal by the Court of any or part of any claim for relief or pleadings, disallowance of evidence and/or testimony, payment of a fine, payment of reasonable costs incurred by a party due to another party’s non-compliance, or the opposing party’s reasonable legal fees, or other remedy as provided at G.S. 1A-1, Rules 11 and 37.

RULE 15. REMANDED CASES

15.1 Remands.

If a case is remanded to the District Court Division for hearing or other actions, appellant’s counsel shall promptly notify the Civil Court Coordinator so that the case can be scheduled for a pretrial conference.

RULE 16. CONSENT ORDERS/JUDGMENTS AND JUDICIAL REVIEW OF SETTLEMENTS

16.1 Minor Settlements, Wrongful Death Settlements, and Other Settlements to be Approved by the Court.

These settlements may take place by consent order, an in-chambers hearing, or in open court as circumstances dictate. Requests for an in-chambers or open court hearing should be made to the Civil Court Coordinator. The party funding the settlement should have the checks ready to provide to the relevant party or parties in the event of an uncontested consent order, uncontested in-chambers hearing, or uncontested open court hearing.

RULE 17. PEREMPTORY SETTINGS

17.1 Peremptory Hearings.

Requests for a peremptory setting for matters shall be submitted to the Civil Court Coordinator in writing with a simultaneous copy sent or delivered to the opposing party or counsel. The opposing party or counsel shall respond to the Civil Case Coordinator within seven (7) days if they oppose the request for peremptory setting or date sought. When consented to, after receiving a response from the opposing party or counsel, or after ten (10) days or whichever comes first, the Civil Court Coordinator shall place the request before the Judge who shall render his or her decision. A peremptory setting shall be granted only for good and compelling reason. The Judge's decision shall be transmitted to the moving party who shall then notify the opposing party or counsel.

RULE 18. MEDIATION

18.1 Mandatory Child Custody and Visitation Mediation.

The parties to any custody and/or visitation case, including initial filings and modifications, shall participate in mandatory mediation prior to trial of these issues, unless exempted by the Court.

18.2 Purpose of Mediation.

The purpose of the Child Custody and Visitation Mediation Program is to provide the services of a skilled Mediator to the parties involved in a custody and/or visitation dispute. The goal of the program is to reduce the stress and anxiety experienced by children and their family members when conflicts related to divorce, separation and family division are occurring during and after the court case. The program offers an alternate way for the parties to resolve contested custody and visitation issues. Ideally, an educational process begins in mediation that helps the parties focus on parenting their children during this stressful period by recognizing and planning for the needs of their children during the changes in the family structure. A successful mediation may help the parties put a Parenting Agreement in writing, assist them in resolving future problems without recourse to the courts, and reduce the stress of re-litigation of custody and visitation issues.

18.3 Opportunities for Parties through the Mediation Program.

Through Mediation, the parties have the opportunity to:

- A) Reduce any acrimony that exists between the parties regarding the dispute of custody and/or visitation.
- B) Develop custody and visitation agreements that are in the child/children's best interest.
- C) Participate in a process that invites informed choices and, where possible, gives the parties the responsibility for making decisions about their child/children's custody and visitation.
- D) Minimize the stress and anxiety experienced by the parties, especially the child/children.
- E) Reduce the stress and expense of litigation of custody and visitation disputes.

18.4 Attendance.

The parties named as a litigant in the filing are required to attend (1) an Orientation to Mediation and (2) at least one Mediation Session. If a party fails to participate in accordance with these Rules, the case will be closed in mediation and referred to the District Court Judge's Office who will promptly schedule the case for a Status Conference in front of a judge. The mediator will use a Mediation Close Out form to update the Civil Court Coordinator, Civil Clerk's Office, and attorneys associated with the case.

18.5 General Timeline of Custody Mediation.

- A) Mediation cover sheet shall be filed by any litigant or attorney on a litigant's behalf and given to the clerks who will then place the cover sheet in the Mediation box. Only Cases that have filed a Custody Action or Motion for Custody and/or Visitation (not a Temporary Motion due to a DV case under N.C.G.S. Ch 50B or Contempt Issue).
 - i. [COVER SHEET FOR CUSTODY MEDIATION.pdf](#)
- B) The first Notice for Mediation Orientation is the responsibility of the filing Attorney or filing *Pro Se* Litigant. The responsible party will schedule all parties to attend the Mandatory Custody Mediation Orientation (CMO) class by mailing all litigants and placing a copy of the notices sent in the Mediator's courthouse box or emailing a copy to the Mediator. Parties who have attended a NC Custody Mediation Orientation within the previous 5 years do not need to repeat the orientation but should confirm with the mediator to receive credit for attending.
 - i. CMO classes are generally held on the first Tuesday of each month at 2:00 pm. Parties should allow a minimum of ninety (90) minutes for this class. Children are not permitted in the Orientation.
 - ii. [Custody Orientation Notice \(Robeson\) 2022 Blank.pdf](#)
- C) Online Option for Orientation: All litigants have the option of completing the online version of the Mediation Orientation before their assigned CMO date. They will not

need to attend the In-person Orientation if they complete the online version. The link to the online orientation is located within the CMO notice.

- i. English: <https://www.nccourts.gov/form/child-custody-mediation-orientation>
- ii. Spanish: <https://www.nccourts.gov/form/orientacion-sobre-la-mediacion>

D) The second Notice for Mediation Orientation is the responsibility of the Custody Mediator. If any of the litigants miss their 1st date for Orientation, they will automatically be sent a notice for a 2nd Orientation. The mediator will check to see if the parties have been served and if they have been given a proper mailing address. (Contact Mediator asap if address needs to be updated or servicing issue have occurred)

E) Custody Mediation Sessions are the responsibility of the Mediator and can occur through In-person Sessions or Online Web Conferences.

- i. The mediation appointment is scheduled within (30) thirty days of all parties attending CMO class.
- ii. The Mediator will provide Notices to the Parties and their attorneys of their upcoming Mediation Date.
- iii. In-person Mediation sessions are held in an available courtroom or will be held in the new Mediation Office located in the basement.
- iv. Parties should allow two (2) hours for the session and no one other than the litigants may attend the session. All participants in mediation are bound by the statutory requirement of confidentiality. The Mediator shall set the rules of behavior of participants within the session and may call an end to the session at their discretion. The Mediator helps to provide an environment where parents can:
 - a. Engage in problem-solving that focuses on the needs of their children;
 - b. Utilize the strengths of all concerned in reorganizing the family;
 - c. Find ways to provide continuity and stability in the child/children's life;
 - d. Examine their responsibility for their children.

The mediator does not decide issues but provides a structure where parents can develop a parenting plan. Parents are not required to reach an agreement in mediation.

F) Draft of Parenting Agreement is sent to parties and attorneys within ten (10) days of the mediation appointment.

- i. Full Parenting Agreement: If the parties are able to reach a full parenting agreement, the Mediator will prepare a draft and distribute copies to all parties and their attorneys. All areas of custody and visitation will be settled with a full parenting agreement.

- ii. Partial Parenting Agreement: If a partial agreement is reached, the Mediator will prepare the final draft of Partial Parenting Agreement with the undecided issues identified at the beginning of the draft. Once the Partial Parenting Agreement is finalized and filed with the Clerk of Superior Court, the Mediator will provide an update to the Case Coordinator and the identified undecided issues will heard by the Court.
- iii. Temporary Parenting Agreement: If the parties sign a Temporary Parenting Agreement, the custody case will remain open until a Final Order is filed either through Mediation or a court proceeding. For all temporary agreements, the Civil Court Coordinator will schedule a Status Conference.

- G) Review and Proposed Changes Period:** Parents and attorneys have (14-30) days to review and for parents to propose any changes. The Mediator works directly with the Parties on the case during this period and updates the attorneys as they progress. A 2nd Mediation Session may be scheduled.
- H) Signing the Parenting Agreement:** Parents will return to the custody mediation office to sign their Parenting Agreement by appointment or may sign by notary and mail the document to the following address.
 - i. Custody Mediation Office: Robeson County Courthouse, 500 N. Elm Street, Box 26, Lumberton, NC 28358
- I) Finalizing the Parenting Agreement into a Custody Order:** A Judge will sign the Parenting Agreement and an *Official Court Order/True Copy* is sent to parties and attorneys.
- J) Closing Custody Mediation:** Custody Mediation is closed when the Final Parenting Agreement is added to the court file location in the Clerk's Office. If a Partial Parenting Agreement was reached, the Undecided Areas will be calendared for Court.
- K) Enforcement:** Custody Orders developed through Mediation shall have the same force and effect and shall be enforced as any other Court Order.
- L) Unresolved Cases Closed Out of Mediation:** When the Parents are not able to resolve their issues in Mediation, a blue Close Out form is given to the Clerk of Superior Court Office, the Civil Court Coordinator, and the attorneys on the case. The parties may return to Custody Mediation to "try again" before their final court date. They can contact the Mediator to schedule a session.
- M) Modifications of Existing Parenting Agreements:** The parties have the ability to return to mediation on a voluntary basis when custody and/or visitation issues arise and changes to the order need to be considered. The parents should contact the Mediator and they will complete form AOC-CV-634 to reopen their custody case and return to mediation.
- N) Mediation Termination:** The Mediator, in his/her discretion, may terminate the mediation if the Mediator receives information during the course of the mediation process that indicates continuing mediation would be inappropriate for reasons of safety, welfare, or significant psychological dynamics. The Mediator will then report to the

attorneys and Civil Court Coordinator that no agreement was reached with the Mediation Close Out form.

- O) Inadmissibility:** All verbal or written communications from either or both the parties to the Mediator or between the parties in the presence of the Mediator in a proceeding pursuant to these Rules are absolutely privileged and inadmissible in Court. Neither the Mediator nor any party or other person involved in mediation under these Rules shall be called to testify as to communications made during or in furtherance of such mediation sessions, provided there is no privilege as to communications made in furtherance of a crime, implied threat, or fraud.
- P) Correspondence with Attorneys:** The Mediator will deliver any written communication to attorneys by fax, email, or the boxes located in the courthouse.

18.6 Additional Information.

A) Exemptions: Parties may move to waive mediation for “good cause.” Good cause is defined as including, but not limited to, the following as set out in General Statute 50-13.1

1. Showing of undue hardship to a party;
2. An agreement between the parties for voluntary mediation, subject to court approval;
3. Allegations of abuse or neglect of the minor child;
4. Allegations of alcoholism, drug abuse, or spouse abuse;
5. Allegations of psychological, psychiatric, or emotional problems.

B) Parties desiring an exemption shall complete and submit a Motion to Waive Mediation to the Court Assistant for the assigned judge to review. If the opposing party is represented, the Case Coordinator shall contact the attorney to determine if there is an objection to the motion. A judge will make a decision based on the submission with or without a hearing as determined by the judge. If mediation is exempted, the Civil Court Coordinator will set the matter for trial.

- a. If an exemption is granted a copy of it must be sent to the mediation office.
- b. Consent Orders (C.O.), Voluntary Dismissals (V.D.), Judgments, and Separation Agreements.
 1. Pending orders do not excuse the parties from attending CMO or Custody Mediation Session. However, the scheduling of orientation may be delayed two (2) weeks while the order is being finalized.
 2. A copy of the order signed by the parties and judge must be sent to the custody mediator in order for the case to be released. A “true copy” is not required. The order may be faxed to 910-272-5913, placed in the Child Custody Mediator’s drop box (located in the Clerk’s Office) or hand delivered to the Child Custody Mediator’s Office.
 3. If the order is not received at the end of the two weeks, the parties will be scheduled for the next orientation or a mediation appointment.

C) Returning to Mediation: When parties settle in mediation, they may voluntarily return to mediation to discuss modifications to their order. One party calls for the appointment, appointment options are given, and the other party must call to confirm the appointment time before the session is set. When the parties voluntarily return to mediation, the AOC form (AOC-CV-634) "Motion to Modify Custody" is completed during the session and the fee is waived since they settled in mediation.

If the parties cannot settle their modification issues, one party shall file the AOC form (AOC-CV-634) "Motion to Modify Custody" with the Clerk of Superior Court to formally reopen their case. An updated copy of the Mediation Coversheet should be file stamped and placed in the box of the Custody Mediator. A Custody Mediation Session will be scheduled, and notices will be sent to parties and attorneys of record.

D) Interpreters for Mediation:

- a. Court-appointed interpreters can be scheduled for mediation sessions with prior notice. The Mediation Cover Sheet has an area to indicate if an interpreter is needed. The parties shall make sure the mediator knows the language access needs of the parties in advance so the appropriate officials can arrange an interpreter.
- b. Securing an interpreter for a mediation session can be a challenge so attorneys are requested to help with reminding their clients of any scheduled appointment.

RULE 19. EQUITABLE DISTRIBUTION

19.1 Equitable Distribution Inventory Affidavit.

Within 60 days after filing the request for equitable distribution, the party requesting shall file with the court and serve upon the opposing counsel or party an Equitable Distribution Inventory Affidavit on the local form titled **EDA-1**. The Equitable Distribution Inventory Affidavit is intended to aid the parties and the Court in determining the net marital and separate estates of the parties.

19.2 Proposed Pretrial Order.

Within 30 days after being served with Opposing Party's Equitable Distribution Inventory Affidavit, the Moving Party shall file with the Court, and serve upon the opposing counsel or party, a proposed Pretrial Order combining the contentions of the parties.

19.3 Equitable Distribution Inventory Affidavit.

Within 30 days after being served, the opposing party shall file with the court and serve upon opposing counsel or party an Equitable Distribution Inventory Affidavit.

19.4 Interim Distribution.

If a party moves for an Interim Distribution pursuant to NCGS 50.20(i1), the party shall contact the Civil Court Coordinator who will schedule an Interim Distribution hearing before the assigned Judge within thirty (30) days of the filing of the complaint or motion. The temporary hearing may be heard before the answer or responsive pleading is filed.

19.5 Status Check.

The Civil Court Coordinator shall schedule a status conference, which will occur within 120 days of the date the pleading was filed. The Rules of North Carolina Supreme Court implementing settlement procedures in equitable distribution and other family financial cases shall be followed. The purpose of the status conference is to ensure that the case is proceeding toward resolution in a timely and orderly fashion. At the status conference the Civil Court Coordinator or presiding judge will confirm that each party has completed and filed his or her Equitable Distribution Inventory Affidavit. If not already designated at a status conference, then an Order of Reference will be entered designating the method of ADR to be employed, the Neutral who will conduct the ADR and the deadline for the completion of the ADR process (within 90 days of the status conference). The Order will also set the date for an interim pretrial conference approximately ninety (90) days following the status conference, final pretrial conference approximately one hundred and twenty (120) days following the status conference, and a trial date approximately 150 days following the status conference, or 270 days from the date of the initial filing.

19.6 Attendance at Status Conference.

The attorneys of record and all unrepresented parties shall attend the status conference unless the Court waives attendance after determining in advance of the status conference, as follows:

- a. Each party has completed and served the other party with the ED Inventory Affidavit, and
- b. the parties have submitted to the Civil Court Coordinator the completed appropriate form, signed by the parties setting forth their chosen method of ADR, and
- c. the court has approved a Consent Order, signed by the parties which sets forth a discovery schedule.

19.7 Failure to Attend.

Failure to attend the status conference or pre-trial conference, failure to properly complete, file and exchange ED Inventory Affidavits (including amendments and supplements) may result in an immediate hearing. At the hearing the Judge may impose sanctions as permitted by law against the non-complying party, parties, or attorneys of record, and may order limitation or exclusion of the responsible party's proffered testimony (either written or oral).

19.8 Referee.

In any equitable distribution claim, the Court may, in its discretion, and pursuant to Rule 53 and Rule 16(a)(5) of the North Carolina Rules of Civil Procedure, order a referee before proceeding further, or before entering final judgment. The Court may provide for the apportionment of the costs of said referee, filing deadlines, and scope as it deems to be in the furtherance of the disposition of the claim.

19.9 Amendments/Supplements to Equitable Distribution Inventory Affidavit.

All discovery in Equitable Distribution matters should be exchanged by 5:00 p.m. one week prior to the scheduled mediation date. If new materials surface in the week prior to the mediation, they will be forwarded within two business days of their receipt.

19.10 Equitable Distribution Pre Trial Order.

The parties shall have ready to be presented to the Court at the Pretrial Conference a proposed Pretrial Order. At the equitable distribution pre-trial conferences, the parties and the Court will sign an Equitable Distribution Pre-Trial Order which shall be binding on the parties at trial, unless an amendment by the Judge is allowed.

JUVENILE CASES

RULE 20. MOTIONS FOR CONTINUANCE

For an abused or neglected child, the courts are the source of protection and the source of services. For a delinquent child, the courts provide the opportunity for rehabilitation and for the protection of the community. The goal of a case management plan for juvenile court is to put the courts in the best position to ensure the safety of children, to give them the best possible chance of living in stable, permanent families, and to protect the community. Continuances should be allowed only when it serves the child's best interest or is necessary to protect the community. Participants must come to court prepared to meet each statutory obligation and other requirements necessary for resolution of these matters. Juvenile cases, including motions for review in neglect and abuse matters, should be disposed at the earliest opportunity, including the first setting for hearing. Requests for continuances that are made after the first setting for hearing on the merits of the case shall only be granted for extraordinary cause.

20.1 Appropriate Court Official.

All applications for continuance shall be made to the District Court Judge presiding over the session of court for which the case is calendared. If the trial judge is not known at the time the request is made, or is unavailable, the application should be addressed to the Chief District Court Judge, or her designee.

20.2 Court Conflicts.

The various levels of court should work together to dispose of cases as expeditiously as possible consistent with the other goals of this order. Age of case, subject matter, priority of setting, fundamental fairness, and common sense should be considered when resolving conflicts. Attorneys shall notify the court and opposing counsel of any other court conflict(s) as those become known and shall keep the court advised of the resolution of all conflicts. All judges should communicate with other judges to resolve such conflicts and shall make a reasonable effort to do so when requested by the attorney for either the plaintiff or defendant. In resolving conflicts, juvenile cases shall take precedence over all other matters in district court, with the exception of jury trials.

20.3 Documentation of Continuance.

All orders for continuance shall be documented in writing, and shall include the name of the moving party, any objections to the continuance, and the basis for the continuance.

20.4 Notification of Opposing Counsel/Unrepresented Parties/Witnesses.

All applications for continuance shall be made as soon as a conflict is identified, and all impacted – opposing counsel, unrepresented parties, subpoenaed witnesses, or court staff charged with subpoenaing witnesses – shall be notified as soon as possible by the moving party.

20.5 Objections to Motion for Continuance.

All parties should have an opportunity to be heard on a motion to continue.

20.6 Evaluation of Motions for Continuance.

Factors to be considered by the appropriate court official when deciding whether to grant or deny a motion for continuance should include:

- A) the best interest of the child;
- B) the opportunity to exercise the right to effective assistance of counsel;
- C) the age of the case and seriousness of the charge;
- D) the incarceration status of the juvenile;
- E) the effect on children and/or other caretakers if the issue is continued and not resolved;
- F) the impact of a continuance on the safety of the parties or any other persons;
- G) the status of the trial calendar for the session;
- H) the number, moving party, and grounds for previous continuances;
- I) the due diligence of counsel or unrepresented parties in promptly making a motion for continuance as soon as practicable and notifying opposing counsel and witnesses;
- J) the due diligence of parties in promptly bringing to their attention the basis for the continuance motion;
- H) the period of delay caused by the continuance requested;
- I) the presence of witnesses, including the juvenile;
- J) the availability of witnesses for the present session, or for a future session;
- K) whether the basis of the motion is the existence of a legitimate conflict with another court setting;
- L) the availability of counsel; consideration of the financial consequences to the public, the parties, the attorneys, and the witnesses if the case is continued; and
- M) any other factors that promotes the fair administration of justice.

20.7 Case Rescheduling.

Upon granting a motion for continuance, the judge shall reschedule the case for a specified date, taking into consideration the availability of counsel, parties and witnesses, and volunteer guardian ad litem.

20.8 Time Standards.

All undisciplined cases should be disposed within 30 days of service of the petition. All delinquency cases involving misdemeanor offenses should be disposed within 90 days of service of the petition and those involving felony offenses should be disposed within 120 days of service of the petition. All adjudications of neglect and abuse cases should be disposed of within 60 days of service of the petition. All termination of parental rights (TPRs) should be disposed of within

120 days after service of petition. These time standards are subject to all other statutory time requirements for the scheduling of hearings for review of secure and non-secure custody orders.

RULE 21. ABUSE NEGELECT AND DEPENDENCY CASES

21.1 Scope.

These rules apply to all cases in which a petition is filed alleging that a juvenile is abused, neglected, or dependent.

21.2 Purpose.

These rules are designed to help achieve stable and secure homes for children who come into the court's juvenile jurisdiction. To that end, these rules serve the following purposes: (1) To provide for judicial oversight of case planning; (2) To ensure a coordinated decision-making process; (3) To eliminate unnecessary delays in court proceedings; and (4) To encourage the involvement of families and children in the planning and decision-making process.

21.3 Appointment of Counsel.

When a petition is filed alleging abuse, neglect, or dependency, the clerk shall appoint separate counsel to represent each parent named in the petition. The clerk shall prepare a Notice of Appointment of Counsel to be served on the parent with the petition and summons. The notice shall include the attorney's name, business address, and telephone number and shall encourage the parent to contact the attorney. The notice also shall inform the parent: (1) the parent may retain counsel; (2) that the court, at the first hearing, will determine whether the parent qualifies for appointed counsel and, if the parent does, whether the parent waives the right to counsel; and (3) that the court will dismiss the appointed counsel if the parent does not qualify for appointed counsel or the parent waives the right to counsel.

21.4 Responsibilities of Attorneys.

Before being eligible for appointment to represent parents, attorneys must satisfy the court: (1) that they have sufficient experience and skills to provide competent representation; (2) that they have a good working knowledge of juvenile law and juvenile court procedures; (3) that they have a good understanding of child protective services and the related mandates that apply to DSS and to guardian ad litem; and (4) that they have satisfactorily completed any initial or continuing training specified by the Chief District Court Judge.

21.5 Appointment of Guardian ad Litem and Attorney Advocate.

When a petition is filed alleging abuse or neglect, a guardian ad litem shall be appointed by the court to represent the juvenile named in the petition. If the guardian ad litem is not an attorney, then an attorney advocate also shall be appointed. When a petition is filed alleging dependency, a guardian ad litem and attorney advocate similarly may be appointed.

An attorney who has a conflict in another court shall comply with Rule 3.1 of the General Rules of Practice for Superior and District Court and, **when absent from juvenile court because of a conflict, shall keep the court informed of his or her location at all times.** When an attorney

knows that he/she may not be available for any court session due to peremptorily set cases in other courts and/or counties, the attorney shall notify opposing counsel as well as the presiding judge the week prior to the juvenile court session and **file a written motion to continue**.

21.6 Responsibilities of Guardian ad Litem and Attorney Advocate.

A guardian ad litem or attorney advocate shall not accept an appointment unless, to the best of the guardian ad litem's or attorney advocate's knowledge, he or she can be available for all stages of the proceeding.

- A)** An attorney advocate who has a conflict in another court shall comply with the relevant rules relating to priority and, when absent from juvenile court because of a conflict, shall always keep the case manager or courtroom clerk informed of his or her location.
- B)** The guardian ad litem shall generate a child profile sheet to be attached and admitted with GAL Court Reports into evidence.

21.7 Withdrawal Of Counsel.

- A)** After the first hearing in a case, an attorney appointed to represent a respondent who has not been served and who does not appear at the hearing, shall not be responsible for further appearances until the clerk notifies the attorney that the respondent has been served.
- B)** At the first hearing after service on the respondent, the Court shall review the issue of counsel and dismiss the provisional counsel if the respondent:
 - Does not appear at the hearing;
 - Does not qualify for court appointed counsel;
 - Has retained counsel;
 - Waives the right to counsel.
- C)** Subsequent to the first hearing after service, counsel will not be allowed to withdraw from a case absent notice of intent to withdraw given to the respondent and a finding by the court of good or justifiable cause.
- D)** If counsel becomes aware of a juvenile or domestic case involving the same children in another court, counsel shall inform the court.

21.8 Judge Assignment/Scheduling.

All Juvenile Civil Cases shall be individually assigned to a presiding juvenile court judge as follows: A/N/D - When a petition is filed alleging abuse, neglect and/or dependency, the case shall be set for adjudication at a date approximately 60 days from the date of filing.

Prior Assignment: When a petition is filed in a case that has been previously assigned to a judge, that judge will continue as the assigned juvenile court judge and the case shall be set for adjudication at a date assigned to that judge approximately 60 days from the date of filing.

A/N/D First Appearance/ Non-Secure Hearings: The case shall be set within seven calendar days for a first non-secure hearing or for a first appearance if no non-secure order is

issued. Dates shall also be set at filing for a second non-secure hearing and a third non-secure hearing/pre-adjudication conference. Sibling cases should be assigned to the same judge.

TPR: When a petition or motion is filed in a pending action alleging termination of parental rights, it shall be scheduled for the assigned judge's juvenile session not more than 90 days from the date of filing. When a petition for termination of parental rights is filed in a new action, it shall be scheduled within 90 days and assigned to the juvenile judge scheduled for that session.

- A) TPR First Appearance/Pre-trial Conference: At the time of filing, the case shall be set within seven calendar days for first appearance and 4 weeks prior to the adjudication date for pre-trial conference.
- B) DSS shall include with each filing a schedule of hearings as set out above to be served on the respondent and provisional counsel and to allow the clerk to enter court dates into the case management system. Said schedule shall also indicate the assigned judge based on the date for adjudication.
- C) Requests for reassignment shall be directed to the Chief District Court Judge. If a judge recuses him/herself, the case will be reassigned in the courtroom and appropriately rescheduled.

21.9 Non-Secure Custody.

- A) The Department of Social Services (DSS) is responsible for providing reasonable notice of hearing to any opposing counsel known to that agency prior to proceeding on *ex parte* requests before any District Court Judge. Reasonable notice shall be presumed to be oral notice given at least two (2) hours prior to appearance before the Court. DSS is not required to notice provisional counsel.
- B) Failure to give reasonable notice may result in any order entered being set aside.
- C) **Non-secure Hearings shall be scheduled weekly pursuant to a schedule promulgated by the Chief District Court Judge. Non-secure hearings shall be limited in time to fifteen (15) minutes but the presiding judge may elect to extend the time of the hearing for good cause and compelling reasons.**

21.10 Hearings.

- A) At the first non-secure hearing or first appearance in an abuse, neglect, and/or dependency action, the court shall review the case to determine:
 - a. verification of the petition
 - b. service on all parties
 - c. status of counsel
 - d. paternity issues
 - e. placement of the children
 - f. status of other relatives
 - g. visitation by the respondents
 - h. status of case plan
 - i. review of subsequent court dates

- B)** At the second non-secure hearing, the Court shall review a through i above, as necessary. DSS shall provide to the respondent or counsel and the GAL attorney proposed written stipulations of fact for review. In those cases where no non-secure order is entered, proposed stipulated facts shall be submitted to respondent or counsel and the GAL attorney at least two weeks prior to the pre-adjudication hearing.
- C)** At the third non-secure hearing, the assigned judge may conduct a pre-adjudication conference. A pre-adjudication conference may be scheduled for cases without a non-secure order at the time for a third non-secure hearing. At the pre-adjudication conference:
- a. All attorneys and a Guardian ad Litem (GAL) representative shall be present;
 - b. All parties in the action shall be present; clients living out of state may be available by phone or other electronic means;
 - c. The judge shall resolve all pretrial motions or requests, including discovery requests;
 - d. All counsel shall review the petition and determine which specific allegations of the petition are at issue; and which stipulations shall be tendered to the court. The respondent counsel shall have discussed the DSS's proposed stipulations with their clients and have prepared written responses including proposed counter stipulations, if any, and provide those to DSS and the GAL prior to the court conducting the pre-adjudication hearing;
 - e. Requests for peremptory/special settings shall be made to the court.
-
- D)** In TPR cases, at the first appearance/preliminary hearing, the court shall review the case to determine:
- a. Verification of petition
 - b. Service on all parties
 - c. Status of Counsel
 - d. Paternity issues
 - e. Review of court dates
- E)** Each TPR case shall be scheduled for a pre-trial conference four weeks prior to the scheduled adjudication date. At the pre-trial conference
- a. All attorneys and a Guardian ad Litem (GAL) representative shall be present;
 - b. All parties in the action shall be present; clients living out of state may be available by telephone or other electronic means;
 - c. The judge shall resolve all pretrial motions or requests, including discovery requests;
 - d. All counsel shall review the petition and determine which specific allegations of the petition are at issue; and which stipulations of fact shall be tendered to the court; and whether the respondents have considered relinquishment;
 - e. Requests for peremptory/special settings shall be made to the court.

21.11 Pre-Adjudication Admissions.

The purpose of this rule is to facilitate appropriate treatment and services for respondents and to enable the Court to move forward to permanence. It is a priority of family court to reunify families, whenever possible, and it is in the best interests of children and respondents that respondents be involved in pre-adjudication treatment or services or both.

Any treatment or services or portion thereof provided to a respondent after the filing of a juvenile petition alleging abuse, neglect, and/or dependence shall be considered inadmissible evidence during the adjudication portion of the juvenile proceeding except for assessments and evaluations ordered by the court for the purpose of admission during the adjudicatory hearing.

Statements made by respondents after the filing of the petition about or during treatment or services are inadmissible during the adjudicatory hearing except those made during court-ordered assessments and evaluations.

Information obtained during pre-adjudication treatment or services may be admissible during pre-adjudication hearings related to placement as it relates to a child's safety and potential placement of the child or visitation with the child.

Failure to take advantage of available assessment, treatment, and services is admissible at any hearing.

All information is admissible at disposition or other post-adjudication hearings.

This rule does not limit admission of statements, treatment, or services occurring prior to the filing and service of a petition.

21.12 Motions/Discovery Practice.

- A)** Except as set out herein, all motions and discovery shall be made as set forth in NCGS 7B-700. If gaps exist in the juvenile code or these rules, then the North Carolina Rules of Civil Procedure shall control.
- B)** DSS Records
 - a. Within fifteen (15) working days after a petition is filed alleging abuse and/or neglect, DSS shall provide a draft copy of any Child Protective Service (CPS) dictation up to the date of filing, a copy of the safety assessment and any CPS case plans in place during the previous twelve (12) months to the GAL and the respondent counsel. Records in dependency only cases and termination of parental rights (TPR) cases will be provided only upon request. Counsel may request dictation for periods after the filing of the petition.
 - b. DSS will redact the name and identifying information as to the reporter of the abuse and neglect.
 - c. Whenever feasible, discovery shall be provided digitally rather than by paper.
 - d. Respondent attorneys or the GAL attorneys shall not provide copies of the dictation to their clients or other parties without the Court's permission.

- e. If a respondent attorney is released from representation prior to the completion of the case, any copies of DSS records shall be returned to DSS.
- f. Attorneys are authorized to destroy copies of the records sixty (60) days following a voluntary or involuntary dismissal of the action, a TPR judgment, an order awarding guardianship of the children, an order returning custody to the parents with no further reviews, or any other action that finally terminates the case and no appeal has been filed.

21.13 Medical Records.

DSS regularly obtains copies of the medical records of the parents and children in cases alleging abuse and/or neglect pursuant to statutes or court orders allowing them access to said records.

- A) DSS shall provide copies of relevant medical records obtained to respondent attorneys and the GAL attorneys upon request. Copies should be provided digitally whenever possible.
- B) Attorneys may review any other medical records obtained in the DSS office and may make copies of the records. Attorneys may provide copies of their client's records to that client.
- C) At the pretrial conference, attorneys should raise issues related to the admission of such records.
- D) GAL and DSS may apply to the Court at any time, with notice to all parties, to destroy non-relevant records.
- E) Attorneys are authorized to destroy copies of the records sixty (60) days following a voluntary or involuntary dismissal of the action, a TPR judgment, an order awarding guardianship of the children, an order returning custody to the parents with no further reviews, or any other action that finally terminates the case and no appeal has been filed.
- F) Any medical records under seal or affidavit which are received by the Clerk of Superior Court in a juvenile case shall be delivered to DSS and DSS shall be authorized to distribute those records as provided by these Rules.

21.14 Mental Health and Substance Abuse Records.

DSS regularly obtains copies of the mental health records and substance abuse records of the parents and children in cases alleging abuse and/or neglect pursuant to statutes or court orders allowing them access to said records.

- A) Upon request, DSS shall provide copies of relevant records obtained to the GAL and respondent attorneys. Records shall be provided digitally whenever possible. Attorneys may review any other mental health records obtained at the DSS office and may make copies of the records.
- B) The attorney for each adult shall initially review their own client's records and may object to review by other parties within ten (10) working days of the notice of availability. After ten (10) working days of the notice, if no objection is filed, all attorneys may review the records. The GAL attorney may object to review of the child's record by the other parties and attorneys. The GAL attorney shall have 5 working days

from the notice, unless the time is waived by the GAL attorney, to file a notice of objection.

- C) Attorneys may only provide copies to their clients of their own records. Permission of the court must be requested to provide copies of the child's mental health records to any party. If DSS or the GAL determines that records include information about more than one person (for example, family therapy records), the DSS or the GAL attorney will request that the court determine if copies may be distributed.
- D) At the pretrial conference, attorneys should raise issues related to the admission of such records.
- E) The GAL or DSS may apply to the court at any time, with notice to all parties, to destroy non-relevant records.
- F) Attorneys are authorized to destroy copies of the records sixty (60) days following a voluntary or involuntary dismissal of the action, a TPR judgment, an order awarding guardianship of the children, an order returning custody to the parents with no further reviews, or any other action that finally terminates the case and no appeal is filed.
- G) Any mental health records under seal or affidavit which are received by the Clerk of Superior Court in a juvenile case shall be delivered to DSS, and DSS shall be authorized to distribute those records as provided by these Rules.

21.15 Reciprocal Discovery.

Respondent attorneys and the GAL attorneys must provide information to DSS of any medical or mental health providers from which the DSS counsel did not request medical or mental health records.

- A) Respondent attorneys and the GAL attorneys must provide copies of records or reports they receive from any agency not available or known to DSS that they intend to use at trial or any subsequent hearing. Records and reports may be provided digitally.
- B) DSS attorneys, GAL attorneys, and Respondent attorneys must provide copies of any documents, photographs or information that they intend to present at any adjudication trial or other hearing to all parties prior to the hearing and consistent with G.S. 7B-700 and Rule 21.15 below. Disposition reports or other evidence do not need to be presented prior to completion of the adjudication hearing.

21.16 Court Reports.

Court reports prepared by DSS, the GAL or respondents for presentation to the court in review hearings, permanency planning hearings, and post-termination hearings shall be filed with the Clerk of Superior Court by 2:00 pm on the Wednesday before the scheduled court week. Copies shall be provided by the filing party to the appropriate opposing counsel's (*i.e.* respondent attorneys, DSS attorneys, and GAL attorneys) courthouse juvenile box and to the juvenile court coordinator for the presiding judge. Late reports should be provided directly to the presiding judge and to opposing counsel.

21.17 Service of Notice.

Service as provided for in these rules, and pursuant to Rule 5 of the North Carolina Rules of Civil Procedure, may be accomplished by depositing such documents in the attorney boxes located in the office of the Clerk of Superior Court, Juvenile Records Division or Civil Division, or digitally or by other electronic means.

Service on unrepresented parties shall be accomplished by U.S. Mail, postage prepaid and first class or as otherwise provided by law.

Service to opposing counsel shall be defined as service to all attorneys of record as well as unrepresented parties proceeding pro se.

RULE 22. SHARING OF INFORMATION IN JUVENILE AND FAMILY COURT CASES

Designated Agencies: The following agencies are authorized and directed to share information that is in their possession that may be relevant to any case in which a petition is filed alleging that a juvenile is abused, neglected, dependent, delinquent, and/or undisciplined, and each shall continue to do so until the juvenile is no longer subject to the jurisdiction of the Court. These agencies may also be involved in Domestic Civil Court Cases involving, but not limited to: Child Custody, Visitation, Child Support, Equitable Distribution, and Post-Separation Support.

- a. Mental Health Facilities/Services
- b. Departments of Social Services
- c. School Administrative Units
- d. Robeson County Health Department
- e. Law Enforcement Agencies
- f. Office of Juvenile Justice
- g. Office of Guardian ad Litem of the Administrative Office of the Courts
- h. District Attorney - The district attorney is authorized to disclose or release among agencies; however, unlike the other designated agencies, nothing herein shall be deemed to require the disclosure or release of any information in the possession of a district attorney.
- i. Child Support Enforcement (State, County or Private agency)

Confidentiality: Any information shared among agencies pursuant to this Order shall remain confidential, shall be withheld from public inspection and shall be used only for the protection of the juvenile.

Not Limiting: Nothing herein shall preclude any other necessary sharing of information among agencies.

Federal Restrictions: This Order does not supersede any federal restrictions on the release of confidential information.

RULE 23. APPLICATION, INTERPRETATION AND RESOLUTION OF CONFLICTS WITH LAWS AND OTHER RULES

The North Carolina Supreme Court has ordered that each district have local rules, policies, and a case management plan, and there is a need to have a uniform policy in the District Courts of Judicial District 16B. Common sense and logic, as well as fairness, should be employed in the application and interpretation of these rules and policies.

Any of these rules in conflict with the Constitution of the United States or the Constitution of the State of North Carolina, the North Carolina General Statutes, or Rules of the North Carolina Supreme Court shall be resolved in favor of such Constitution, General Statute, or Supreme Court Rule.

These rules and policies supersede any previously issued local rules and policies addressing the same subject matter. These rules and policies are effective January 1, 2023, and shall apply to all motions made or heard on after that date, and insofar as practical, to ALL pending cases.

Any local rule or procedure not specifically changed by these rules remains in effect. These rules are subject to amendment or modification as experience indicates and requires.

Entered this December 21, 2022



**Angelica Chavis McIntyre
Chief District Court Judge**